



CODE FOR PROFESSIONAL CONDUCT

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Definitions

Unless otherwise defined within this document,

Accredited Member	means a member of the Association who has been appointed as an Accredited Professional Member in accordance with Rule 5(6)
Associate Member	means a member of the Association who has been admitted to Associate Membership as defined in Rule 5(1)
Association	means the Dog Groomers Association of Western Australia Inc.
Code	means the Code for Professional Conduct adopted by the Association, as amended from time to time
Constitution	means the Constitution of the Association
DGAWA	means the Dog Groomers Association of Western Australia Inc.
General Member	means a member of the Association who has been admitted to Full Membership as defined in Rule 5(1)
Member	means a member of the Association in any category
WHSE Guidelines	means the Workplace Health, Safety and Environment Guidelines adopted by the Association, as amended from time to time
Professional Standards Panel	means the Professional Standards Panel as appointed by the Committee of the Association from time to time in accordance with its Constitution
Qualification Standards	means the Qualification Standards adopted by the Association, as amended from time to time

About This Code

Abiding by the provisions of this Code is a condition of joining and continuing membership of the Dog Groomers Association of Western Australia Inc.

To demonstrate their commitment to this Code and the principles herein, all members will sign a commitment to abide by this Code as a condition of their membership of the DGAWA.

Breaches of this Code are dealt with by a process set out in the DGAWA Constitution. This process enables members of the public as well as members of the Association to make a complaint in relation to an alleged breach of the code, and provides for sanctions where breaches of the Code are established.

This Code contains General Principles in relation to ethical and professional conduct, and a number of principles dealing with specific matters. The General Principles and the Specific Principles are equally binding.

How this Code applies to different Categories of DGAWA Members

General Members are bound to observe all the applicable elements of this Code and are subject to the Disciplinary and Dispute Resolution Procedures herein.

Accredited Members are bound to observe all the applicable elements of this Code and are subject to the Disciplinary and Dispute Resolution Procedures herein. They must also comply with all the applicable requirements of the Qualification Standards.

Associate Members are required to support the principles set out in the Code.

Accredited Members

General Members of the Association may apply to become Accredited Members.

Admission to the rank of Accredited Member is limited to General Members who comply with all the requirements of this Code, and who also satisfy the Competency Standards and Continuing Professional Development requirements set out in the Qualification Standards.

General Principles

Members of the DGAWA will observe a high standard of ethical behaviour and professional conduct.

Ethical behaviour in this context means more than basic compliance with legal obligations. It includes acting with honesty and integrity in all dealings with clients, employees and others.

Members will comply with the rules of the Association, and will not take part in conduct that is unbecoming of a member or prejudicial to the interests and purposes of the DGAWA and its members.

Principle 1 — Respect for People, Animals, Property and the Environment

Members and, where applicable, their staff, will act with courtesy and professionalism in all their dealings with clients and the general public.

Members will show respect for people, animals, property and the environment in undertaking their operations.

In particular, members will ensure that they adopt appropriate measures to ensure the welfare of any animals under their care or supervision.

Principle 2 — Honesty

Members will act honestly in all dealings with clients and the general public.

Members will:

- Disclose to clients any mishap or accident that occurs in the course of their work, whether caused by the groomer or otherwise;
- Disclose to clients any suspected medical or behavioural issues that come to their attention in relation to the client's animal where those issues may impact on the welfare of the animal or the safety of any person;
- Disclose to clients the basis on which fees will be charged before work commences; and
- Ensure all advertising is truthful.

Principle 3 — Respect for Laws

Members must comply with all relevant legislation and government requirements, including but not limited to the following:

- Members must not engage in any collusive practices or practices that are otherwise prohibited by the *Competition and Consumer Act 2010*.
- Members must comply with the Australian Consumer Law, including avoiding making any false, misleading or deceptive claims about a product or service.¹

Principle 4 — Safety

Members must observe all relevant legislation, including any Codes of Practice issued by relevant regulatory agencies.

Members should observe any recommendations contained within the WHSE Guidelines, or else have in place a workplace health and safety management system containing measures for assessing, identifying and managing safety issues that are no less effective than the measures set out in the WHSE Guidelines. A workplace health and safety management system that meets the requirements of AS/NZS 4801 shall be regarded as complying with this Code.

Principle 5 — Professional Standards

Members will ensure that they maintain their professional knowledge through on-going involvement in professional development activities.

Members will ensure that their staff are competent to undertake their responsibilities in a safe manner, while meeting customer requirements and complying with all legal obligations.

Accredited Members will observe any Competency Requirements and Continuing Professional Development requirements set out in the Qualification Standards adopted by the DGAWA Committee, as amended from time to time.

¹ The Western Australian Department of Commerce has a range of resources for businesses to aid in understanding and complying with the Australian Consumer Law. These resources are available online at http://www.commerce.wa.gov.au/ConsumerProtection/Content/Business/selling_goods_services/Resources.html

The Association's Office-bearers have a special responsibility to ensure the professional operations and reputation of the DGAWA. Accordingly, they shall:

- Take care to use Social Media responsibly and only speak on behalf of the Association if authorised by the Committee;
- Promptly and fully disclose to the Committee any interests relevant to their role;
- Maintain the privacy and confidentiality of matters that come to their attention by virtue of their role;
- Give a full and proper handover of information and property at end of term if leaving, including disclosure of any outstanding issues to the Committee or the Office-bearer succeeding them;
- Fully disclose to the Committee any matter of which they become aware that presents a significant risk to the Association or its Members.

Principle 6 — Maintaining Ethical and Professional Conduct in the Industry

Any allegations of a breach of this Code will be dealt with in accordance with the provisions of the DGAWA Constitution.

Disciplinary and Dispute Resolution Procedures

WHO CAN MAKE A COMPLAINT UNDER THESE PROCEDURES?

A complaint under these procedures may be made by:

- A member of the public who believes that a DGAWA member has breached the Code for Professional Conduct; or
- A DGAWA member who believes that another DGAWA member has breached the Code for Professional Conduct.

If the DGAWA Committee receives information about a suspected breach of this Code by a DGAWA member, it may resolve to have a matter dealt with under the Disciplinary and Dispute Resolution Procedures even if no formal complaint has been received.

HOW A COMPLAINT MAY BE MADE

Any person may make a complaint by notifying DGAWA in writing, including by fax or email. No particular form is required, so long as the complaint clearly identifies:

- The DGAWA member that the complaint is made against; and
- The behaviour (act or omission) that allegedly breaches the Code for Professional Conduct.

ABOUT THESE PROCEDURES

The DGAWA Constitution provides for the Committee to establish a Professional Standards Panel to undertake the Disciplinary and Dispute Resolution Procedures set out in this Code.

When any matter concerning a potential breach of the Code comes to the attention of the Committee, the Committee will convene a Professional Standards Panel and direct the Panel to carry out an investigation in accordance with the Code for Professional Conduct and report its findings and recommendations to the Committee.

Panel members will be appointed by the Committee in consideration of the nature of the alleged breach being reviewed. Panel members may be drawn from the Committee or the general membership. Any nominee for such an appointment has the right of refusal.

These procedures set out the way in which the Professional Standards Panel shall carry out its work.

DEFINITIONS

In these procedures,

Committee	means the Committee of the Dog Groomers Association of Western Australia Inc.
Complaint	means a matter that is referred to the Panel by the Committee
Complainant	means the person or organisation who initially raised the matter with the Association
Panel	means the Professional Standards Panel
Respondent	means the Member of the DGAWA who is the subject of the Complaint

METHOD OF OPERATION

The Panel shall determine its own method of operation, consistent with:

- The DGAWA Constitution; and
- This Code.

The Panel shall act according to equity, good conscience, and the substantial merits of each matter without regard to technicalities or legal forms. The Panel shall not be bound by any rules of evidence, but may inform itself on any matter in such a way as it thinks just.

Members of the Panel shall take care to identify potential conflicts of interest in matters that are before them. If a member of the Panel believes that they may have a conflict of interest in dealing with any particular matter, they must inform the DGAWA Committee immediately. The Committee will then appoint a replacement Panel member for the purposes of that matter only.

If the Panel is unable to reach a unanimous decision on any matter than it may proceed to determine matters on the basis of a decision by the majority of its members.

DISCIPLINARY AND DISPUTE RESOLUTION PROCEDURES

Initial steps

Upon being directed by the Committee to carry out an investigation, the Panel will:

- Advise the Complainant that the matter is being dealt with under this Code and seek approval from the Complainant to release information raised by them about the Complaint to the Respondent.
- If the Panel considers it appropriate, seek further information from the Complainant to assist in identifying the matters to be investigated.
- Unless the Panel considers it inappropriate to do so, contact the Respondent and provide them an opportunity to rectify the situation to the satisfaction of the Complainant.

The Panel shall then notify the Respondent in writing that a complaint has been made and provide the Respondent with:

- Information about the substance of the Complaint in line with the consent for release of information given by the Complainant;
- The opportunity to settle the Complaint directly by reaching agreement with the Complainant;
- Advice that the Respondent's response will be provided to the Complainant in line with the Disciplinary and Dispute Resolution Procedures;
- A copy of this Code and the Rule(s) of the DGAWA Constitution relating to discipline.

The Panel shall provide the Respondent with 15 business days to provide a substantive response to the Complaint. The Panel may extend this period on request from the Respondent if it reasonably believes it would be fair to do so. If an extension is granted the Panel must advise the Complainant.

If the Respondent fails to provide a substantive response within the required time, the Panel may report the failure to respond to the Committee and the Committee may impose sanctions in accordance with the Constitution.

When the Panel receives the response from the Respondent,

- If the Complaint has been settled by agreement between the Respondent and Complainant, the Panel shall confirm in writing the terms of the agreement with the Respondent and Complainant, and shall advise the Complainant that they may contact the DGAWA to re-commence the Disciplinary and Dispute Resolution Process if the terms of the settlement agreement are not met. The Panel shall provide a report to the Committee outlining the action that has been taken.
- If the Complaint has not been settled, the Panel shall:
 - Provide the Complainant with the Respondent's response
 - Give the Complainant 15 business days in which to reply. The Panel may extend this period on request from the Complainant if it reasonably believes it would be fair to do so. If an extension is granted the Panel must advise the Respondent.
 - If the Complainant does not reply within the required time, the Panel may discontinue the matter and advise the DGAWA Committee. The Committee may then notify the Respondent and the Complainant accordingly.

Determination of the Complaint

If at the completion of Stage One, the Complaint remains unresolved, the Panel will proceed to determine the Complaint. This will include the Panel investigating the facts and circumstances of the matter and making findings as to:

- Whether a breach of this Code has occurred; and
- If so, what penalty should be imposed, insofar as the Constitution allows.

In deciding whether and what penalty should be imposed in the event of finding a breach of the Code, the Panel may take into account any written undertaking from the Respondent to the Complainant in whole or partial satisfaction of the matter.

The Panel may dismiss a Complaint at any stage for reasons including:

- The investigation may prejudice or interfere with legal proceedings;
- The Complaint does not raise any substantial issue concerning the Respondent's compliance with this Code;
- The Complaint is or has become frivolous or vexatious;
- The Committee has accepted a written undertaking from the Respondent in resolution of the matter;
- The Complainant advises that the Respondent has taken action that, in the view of the Complainant, is a satisfactory resolution of the Complaint.

Reporting to the Committee

Upon concluding an investigation or dismissing a Complaint, the Panel shall provide a written report to the Committee. This report shall set out any findings and recommendations, supported by reasons that set out:

- Relevant findings on questions of fact; and
- Reference to the evidence or other material on which the findings were based.

Consideration of the Panel's Findings and Recommendations

Upon receiving the Panel's report, the Committee may:

- Adopt the findings and recommendations;
- Adopt the findings but adopt a different penalty than recommended on the basis that it is just in the circumstances to do so;
- Decide not to adopt the findings and recommendations in the event that the Committee considers:
 - The proceedings of the Panel were not properly conducted,
 - The findings or recommendations are contrary to law or the Constitution of the DGAWA; or
 - There are legal proceedings on foot that would be prejudiced by proceeding with the matter.

Upon making its decision, the Committee shall write to the Complainant and the Respondent to notify them of the outcome of the Complaint.

Follow up

When the resolution of the Complaint results in a requirement that a Member takes certain actions to resolve the matter, the Committee will determine an appropriate timeframe for this to occur, and will follow up to ensure that the action has been taken. If a Member fails to take the required action, the Committee may

revisit its consideration of the Panel's Findings and Recommendations in the light of the Member's non-compliance and may determine to adopt a penalty if this is appropriate.